

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

United States of America,

Case No.: 2:14-cr-0012-JAD-NJK

## Plaintiff

## **Order Denying Motion to Reinforce Judgment**

## Defendant

[ECF No. 55]

Defendant Darnell Maurice Smith was sentenced to eight months in the custody of the Bureau of Prisons (BOP) after his supervised release was revoked.<sup>1</sup> In the judgment, the Court recommended that Smith be designated to FCI Butner or another medical facility,<sup>2</sup> but Smith argues that the BOP sent him to FCI Victorville, which lacks medical facilities for his needs.<sup>3</sup> The Court moves the Court to “reinforce the previous Judgment given so that [he] could be situated to a FCI Institution [that] can fulfill [his] medical needs . . . .”<sup>4</sup>

But Smith's request is based on a misunderstanding. He believes that "the Court ordered that Mr. Smith be designated to" a particular facility, when the Court merely *recommended* that designation. Indeed, the Court lacks the power to "order" the BOP to place a prisoner anywhere in particular because federal law gives the BOP the discretion to determine where to place an

1 ECF No. 54.

2 Id.

23 | <sup>3</sup> ECF No. 55.

4 Id.

1 inmate.<sup>5</sup> At most, the Court can recommend a facility, but the BOP does not have to follow that  
2 recommendation.

3 Because this Court did not—and could not—“order” the BOP to place Smith at FCI  
4 Butner or another appropriate medical facility, IT IS HEREBY ORDERED that Smith’s Motion  
5 to Reinforce Judgment [ECF No. 55] is DENIED.

6 Dated: October 18, 2019

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8 U.S. District Judge Jennifer A. Dorsey  
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<sup>5</sup> 18 U.S.C. § 3621(b).